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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,027	12/11/2003	Machiel Goedhart	C7736(V)	2361

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EXAMINER	
PATEL, RITA RAMESH	
ART UNIT	PAPER NUMBER
1746	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/734,027	GOEDHART ET AL.	
	Examiner	Art Unit	
	Rita R. Patel	1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 January 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) *17* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 December 2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *6/7/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Claim 17 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected solvent cleaning apparatus, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 1/17/07. Claims 1-16 are pending.

Drawings

The drawings received 12/11/03 are not acceptable for examination purposes, because where only a single view is used in an application to illustrate the claimed invention, it must not be numbered and the abbreviation "FIG." must not appear.

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

The information disclosure statement filed 6/7/04 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each

non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. Specifically foreign patent document EP 0 648 521 A2 has not been furnished with a proper translation.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within **the range of 50 to 150 words**. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 6-12, and 16 rejected under 35 U.S.C. 102(b) as being anticipated by Berndt et al. herein referred to as "Berndt" (US Patent No. 6,063,135).

Berndt teaches a dry cleaning system and method in which dry cleaning machinery is used in conjunction with a specific solvent (organo silicone) based detergent tailored for optimal cleaning. The method steps comprise of loading articles into the cleaning basket; agitating the articles in the solvent and detergent composition; removing most of the solvent and detergent composition; centrifuging the articles; heating the articles and remaining composition and creating vapors; condensing vapors and recovering the recycling solvent; and removing the articles from the basket after cooling is completed (Abstract).

Berndt's distillation step 7 cycled to the beginning of the system where garments are put into the washing machine, step 1, and detergents are combined with the cleaning solvent, only a part of step 2, read on applicant's claims for a basic solvent refining cycle. The remainder of the Berndt cycle, including the rest of step 2, where Berndt teaches filtering, step 3 where the items are cleansed/spin, steps 4 and 5 where the cleaning solvent is removed and the remaining solution is evaporated and recollected from the laundry, and step 6 where the garments are cooled, read on applicant's claims for an advanced solvent refining system. Specifically, the filtering of step 2 reads on applicant's claims for a first advanced solvent refining system and steps 4 and 5 where the remaining solution in the tub is evaporated and recollected reads on applicant's claims for a second advanced solvent refining system.

In step 7 after Berndt separates the cleaning solution from impurities via distillation a purified solvent is collected, this reads on applicant's claim for a first predetermined condition. In the first part of step 2, after the solvent is combined with detergent may read on applicant's claims for a second predetermined condition. Finally, after steps 4 and 5 where Berndt teaches removing the bulwark of solution from the washing tub by centrifugal spinning and collecting the remainder of the solution by means of evaporation, a total amount of dirtied solution is harvested, and this step reads on applicant's claims for a third predetermined condition.

A first replenishable means as claimed by applicant is taught by Berndt's disclosure of an evaporation step in steps 4 and 5. Similarly, a second replenishable means as claimed by applicant is taught by Berndt's disclosure of filter, cartridges, carbon/diatomaceous earth, etc. in the latter half of step 2 (col. 8, lines 36-40), which also read on applicant's claims for a solid absorption medium and replaceable cartridges.

Finally, Berndt's teaching of distillation in step 7 reads on applicant's claims for a filtration step in the basic solvent refining cycle because distillation is a known process used to screen something out.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3-5 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over obvious as applied to the Berndt reference in view of the claims above.

Berndt teaches the claimed invention except fails to stately describe the solvent ratio between the first and second solvent fraction. It is at once envisaged that the solvent ration between these two are most preferably from 9:1 to 99:1 as claimed by applicant because Berndt supports that the first solvent is more pure/more clean than the second solvent since the second solvent is diluted with additives/detergent. It would have been obvious to one having ordinary skill in the art at the time the invention was made to optimize the first and second solvent fractions since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Similarly, although Berndt teaches a filtration system, Berndt fails to specify the exact trans-membrane pressure or cross-flow member diameter of the filter. It would have been obvious to one of ordinary skill in the art at the time of the invention to optimize the trans-membrane pressure in order to allow constant desired flow therethough and eliminate chocking of the solvent. Likewise, it would have been obvious to one of ordinary skill in the art at the time of the invention to optimize the cross-flow member diameter of the filter to properly eliminate impurities; impurities are undesirable in cleaning agents. It has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Berndt teaches the use of a cartridge in the filtration system, however fails to specify the exact number of wash cycles that can be optimally performed before replacement of the cartridge. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to optimize the number of wash cycles before replacing the cartridge because too little number of uses would be an ineffective use of the cartridge and highly cost inefficient, on the corollary, too many uses would result in a lack of absorption effectiveness and the machine would not operate effectively. It has been held that discovering an optimum value of a result effective variable involves only routine skill in the art, thus optimizing the number of wash cycles performed per cartridge use would have been obvious to one of ordinary skill in the art at the time of the invention. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Finally, Berndt discloses the claimed invention except fails to state commonly known user selection for said washing machine. It would have been obvious to one of ordinary skill in the art at the time of the invention to employ known washing machine selections by a user, such as color, laundry fabric type, size of wash load and thus resulting in water content allowable in the tub, level of cleansing required, low/med/high agitation for slight soiled to very dirty laundry, delicate, etc. type user selections in conjunction with the washing apparatus of Berndt disclosed. Dry cleaning machines are known to require the use of such selections and although Berndt does not stately describe embodying these buttons/selections on said machine, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate such known user selection on a said apparatus.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Heskett (US Patent No. 3,831,754) teaches a fluid treating apparatus and process having a treating cartridge for regenerating fluid therethrough.

Cussler (US Patent No. 4,828,701) teaches a separation method for temperature critical solution.

Huang et al. (US Patent No. 5,258,123) teaches a process for dewatering an aqueous solution containing solids using water-absorbent substances and thus regenerating the solution.

Mayne (US Patent No. 5,858,119) teaches an ion exchange cleaning method that is circulated in a circulation medium of a circulation system.

Estes et al. (US Patent No. 6,045,588) teaches a non-aqueous washing apparatus and method for washing fabric loads; the working fluid ma be selected from a group consisting of perfluorocarbons, hydrofluoroethers, fluoronated hydrocarbons, and fluoroinerts.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita R. Patel whose telephone number is (571) 272-8701. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

rrp

MICHAEL BARR
SUPERVISORY PATENT EXAMINER